

Metro Terminals Corp. SPDES Permit Anthony Valente

to:

Michael Mintzer, Caroline Kwan 01/29/2013 10:58 AM

Cc:

"'Cohn-Connor, Jeanne T.", "'Bahn, Tara'", "'Land, Brian'"

**Hide Details** 

From: "Anthony Valente" <anthonyvalente@metroenergy.com>

To: Michael Mintzer/R2/USEPA/US@EPA, Caroline Kwan/R2/USEPA/US@EPA

Cc: "'Cohn-Connor, Jeanne T.'" < jeanne.cohnconnor@kirkland.com>, "'Bahn, Tara'" < tbahn@kirkland.com>, "'Land, Brian'" < bland@kirkland.com>

#### 1 Attachment



SPDES Permit.pdf

#### Michael and Caroline:

We just received a copy of our full SPDES Permit. Please find it attached and allow it to supplement the responses and documents I sent the EPA last week. I believe I just included the Notice of Renewal with those responses. Please confirm you receipt.

#### Regards,

Anthony F. Valente, Esq.
Vice President - General Counsel
Metro Terminals Corp.
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#### NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

### State Pollutant Discharge Elimination System (SPDES)



Special Conditions (Part I)

Industrial Code: 5171	SPDES Number: NY - 0007676
Discharge Class (CL): 01	DEC Number: 2-6101-00093
Toxic Class (TX): T	Effective Date (EDP): 11/01/98
Major Drainage Basin: 17	Expiration Date (ExDP): $\frac{1}{1} / \frac{01}{03}$
Sub Drainage Basin: 02	Modification Date(s):
Water Index Number: LI4 & Tribs.	Attachment(s): General Conditions (Part II) Date: 11/90
Compact Area: ISC	
York State and in compliance with the Clean Water Act as a as "the Act").	le 8 of Article 17 of the Environmental Conservation Law of New amended, (33 U.S.C. Section 1251 et. seq.)(hereafter referred to
PERMITTEE NAME AND ADDRESS	Attention: Paul Pullo, Vice President
Name: Metro Terminals Corp.	
Street: 498 Kingsland Avenue	<del></del>
City: Brooklyn	State: NY Zip Code: 11222
is authorized to discharge from the facility described below:	
,	
FACILITY NAME AND ADDRESS	
N	•
Name: Metro Terminals Corp	
Location (C,T,V): New York	County: Kings
Facility Address: 498 Kingsland Avenue City: Brooklyn	State: NY Zip Code: 11222
NYTM - E: 589 .2	NYTM - N: 4 509 .4
From Outfall No.: 001 at Latitude:	40° 44′ 10" & Longitude: 73° 56′ 30"
into receiving waters known as: Newtown Cr	
and; (list other Outfalls, Receiving Waters & Water Classific	national (
01A - Newtown Creek (Via 0	
in accordance with the effluent limitations, monitoring require (Part I) and General Conditions (Part II) of this permit.	rements and other conditions set forth in Special Conditions
DISCHARGE MONITORING REPORT (DMR) MAILING AT	DDRESS
Mailing Name: Atlantic Petroleum S	ervices, Inc. c/o Metro Terminals Corp.
Street: 210 Granite Avenue	
City: Mariner's Harbor	State: NY Zip Code: 10303
Responsible Official or Agent: Paul Pullo,	Vice President Phone: (718)389-5800

This permit and the authorization to discharge shall expire on midnight of the expiration date shown and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for a permit renewal no less than 180 days prior to the expiration date shown above.

DISTRIBUTION: R. Newman, P. E.

NYC Mayor R. Giuliani

NYC DEP & DOH

Interstate Sanitation Commission

US EPA

NYS DEC Water BWCP & BWP

Permit Administrator: John J. Ferguson Address: NYS DEC Region 2 Office, 47-40 21st St., Long Island City, NY 11101 Signature Date: 09/ 21/ 98

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#### FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning	EDP				
-	EDD . E	Vooma	_	•	
and lasting until	EDP + 5	iears			

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

					imum Requirements
Outfall Number & Effluent Parameter	Discharge Daily Avg.	e Limitations Daily Max.	Units	Measurement Frequency	Sample Type
001 - Storm Water from Loading Rack,	Yard Areas and	Tank Dikes			
Flow Oil & Grease pH (Range)	NA NA 6.0 - 9.0	Monitor 15	GPD mg/l SU's	Monthly Monthly Monthly	Computed Grab Grab
01A - Hydrostatic Test Water <sup>1</sup>					
Flow Oil & Grease pH (Range) Benzene Toluene Xylenes (Total) Ethylbenzene Chlorine, Total Residual <sup>a</sup> MTBE	NA NA 6.0 - 9.0 NA NA NA NA NA	Monitor 15. 0.020 0.020 • 0.020 0.020 0.10 Monitor	GPD mg/l SU's mg/l mg/l mg/l mg/l mg/l	Each Discharge Each Discharge Each Discharge Each Discharge Each Discharge Each Discharge Each Discharge Each Discharge Each Discharge	Grab(s) Grab(s) Grab(s) Grab(s) Grab(s) Grab(s) Grab(s) Grab(s) Grab(s)

Tanks being hydrostatically tested must be free of product and cleaned.

The Regional Water Engineer must be informed at least two business days prior to the discharge of tank test water.

Any discharge of tank test water must be done under the direct supervision of plant personnel. Samples from the tank must be taken prior to discharge from various levels within the tank (top, middle and bottom). If sampling shows conformance with effluent limitations, discharge may be initiated. If effluent limitations are not attained, additional measures must be implemented to attain compliance prior to initiation of discharge.

A visual check of the discharge must be made for the presence of oil and floating substances. Data associated with tank test water shall be kept, along with the log of visual observations, for a period of three years and be made available to department personnel upon request.

The discharge of tank test water must be done in a manner that minimizes erosion of soil or sediment and does not cause flooding in the area of discharge. It must be done in a manner that minimizes the impact on the fisheries.

Only required when chlorinated water is used in tank testing.

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#### ACTION LEVEL REQUIREMENTS (TYPE I)

The parameters listed below have been reported present in the discharge but at levels that currently do not require technology or water quality based limits. Action levels have been established which, if routinely or excessively exceeded, will result in reconsideration and/or development of technology or water quality based limits.

Routine action level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If submission of DMR's is not required by this permit, the results shall be maintained in accordance with instructions on the RECORDING, REPORTING AND MONITORING page of this permit.

If any of the action levels is exceeded, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharge days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the second month following the month when the action level was first exceeded. Results may be appended to the DMR or transmitted under separate cover to the addresses listed on the RECORDING, REPORTING AND MONITORING page of this permit. If levels higher than the actions levels are confirmed the results shall constitute an application for permit modification and the permit may be reopened for consideration of revised action levels or effluent limits.

The permittee is not authorized to discharge any of listed parameters at levels which may cause or contribute to a violation of water quality standards.

Outfall Number & Effluent Parameter	Action Level	Units	Minimum Monitoring Req Measurement Frequency	uirements Sample Type
001 - Storm Water from Loading Rack	<u>k, Yard Areas an</u>	d Tank Dikes		
Benzene Toluene Xylenes (Total) Ethylbenzene MTBE	0.10 0.10 0.10 0.10 0.10	mg/l mg/l mg/l mg/l mg/l	Quarterly Quarterly Quarterly Quarterly Quarterly	Grab Grab Grab Grab Grab

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#### **Prohibitions:**

Consistent with Department policy dilution is prohibited as a substitute for treatment. Except where expressly authorized to do so by an applicable Categorical Standard or the Commissioner or his duly authorized representative, no Industrial User shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a permit effluent limitation requirement.

No discharge of tank water bottoms and/or any industrial or manufacturing process wastewater effluents are permitted. Included in the effluents categorized as industrial process effluents are wastewaters resulting from vehicle maintenance or washing operations. Washing operations are those cleaning operations which involve the use of detergents or other emulsifying chemicals.

Tank water bottoms, vehicle maintenance and washing wastewaters are not likely to be effectively treated by gravity separation alone and therefore are not permitted to be discharged. After review of an Engineering Submission for the treatment of tank bottoms and/or maintenance and/or washing wastewaters these prohibitions may be altered.

Waste or wastewater generated at locations other than at this facility are not permitted to be treated at of discharged from this facility.

#### NOTES:

This SPDES permit is not to be construed as altering obligations of the permittee under 6NYCRR Part 613, i.e. 613.3(c)(6)(iii) Storm water which collects within the secondary containment system must be controlled by a manually operated pump or siphon, or a gravity drain pipe which has two manually controlled dike valves operable from the outside of the dike. All pumps, siphons and valves must be properly maintained and kept is good condition. If gravity drain pipes are used, all dike valves must be locked in a closed position except when the operator is in the process of draining ... water from the diked area. The only exceptions shall be those expressly authorized by the Commissioner or his duly authorized representative.

A visual check for oil or floating substances must be made and logged prior to the initiation of any discharge from an impoundment or a discharge controlled by a normally closed valve. The log of visual observations shall be maintained at the facility for a period of at least three years and must be made available to the Department upon request.

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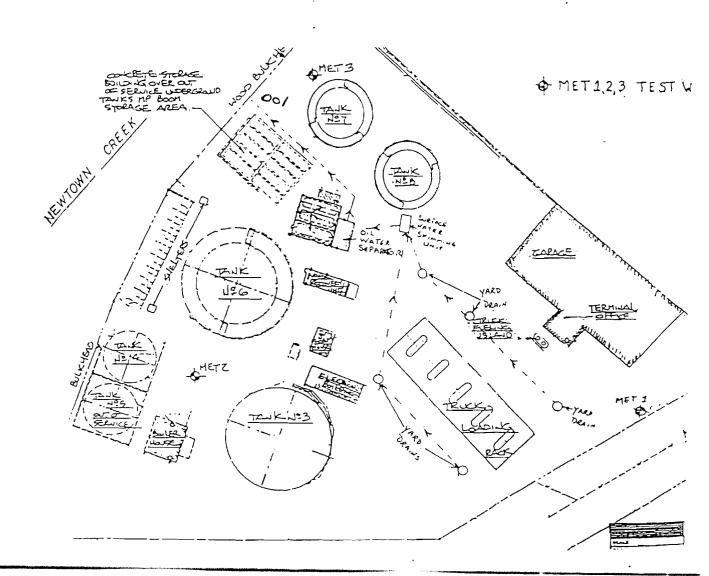
#### **DEFINITIONS OF DAILY AVERAGE AND DAILY MAXIMUM**

The daily average discharge is the total discharge by weight or in other appropriate units as specified herein, during a calendar month divided by the number of days in the month that the production or commercial facility was operating. Where less than dally sampling is required by this permit, the dally average discharge shall be determined by the summation of all the measured dally discharges in appropriate units as specified herein divided by the number of days during the calendar month when measurements were made.

The daily maximum discharge means the total discharge by weight or in other appropriate units as specified herein, during any calendar day.

#### MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) indicated below: (Show sampling locations and outfalls with sketch or flow diagram as appropriate) for 001 from effluent flow prior to discharge to Newtown Creek. For 01A, from tank, pipe, etc. contents prior to discharge via 001.



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#### **SPECIAL CONDITIONS - BEST MANAGEMENT PRACTICES**

1. The permittee shall develop and implement a Best Management Practices (BMP) plan, to prevent, or minimize the potential for, release of significant amounts of toxic or hazardous pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and storm water discharges including, but not limited to, drainage from raw material storage. Completed BMP plans shall be submitted to the Regional Water Engineer within six months of EDP.

2. The permittee shall review all facility components or systems (including material storage areas; in-plant transfer, process and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where toxic or hazardous pollutants are used, manufactured, stored or handled to evaluate the potential for the release of significant amounts of such pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. For hazardous pollutants, the list of reportable quantities as defined in 40 CFR, Part 117 may be used as a guide in determining significant amounts of releases. For toxic pollutants, the relative toxicity of the pollutant shall be considered in determining the significance of potential releases.

The review shall address all substances present at the facility that are listed as toxic pollutants under Section 307(a)(1) of the Clean Water Act or as hazardous pollutants under Section 311 of the Act or that are identified as Chemicals of Concern by the Industrial Chemical Survey.

- 3. Whenever the potential for a significant release of toxic or hazardous pollutants to State waters is determined to be present, the permittee shall identify Best Management Practices that have been established to minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider typical industry practices such as spill reporting procedures, risk identification and assessment, employee training, inspections and records, preventive maintenance, good housekeeping, materials compatibility and security. In addition, the permittee may consider structural measures (such as secondary containment and erosion/sediment control devices and practices) where appropriate.
- 4. Development of the BMP plan shall include sampling of waste stream segments for the purpose of toxic "hot spot" identification. The economic achievability of technology-based end-of-pipe treatment will not be considered until plant site "hot spot" sources have been identified, contained, removed or minimized through the imposition of site specific BMPs or application of internal facility treatment technology.
- 5. The BMP plan shall be documented in narrative form and shall include any necessary plot plans, drawings or maps. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the plan and may be incorporated by reference. USEPA guidance for development of storm water elements of the BMP is available in the September 1992 manual "Storm Water Management for Industrial Activities," USEPA Office of Water Publication EPA 832-R-92-006 (available from NTIS, (703)487-4650, order number PB 92235969). A copy of the BMP plan shall be maintained at the facility and shall be available to authorized Department representatives upon request. As a minimum, the plan shall include the following BMP's:

a. BMP Committee     b. Reporting of BMP Incidents	e. f	Inspections and Records Preventive Maintenance	i. i	Security Spill prevention & response
c. Risk Identification & Assessment d. Employee Training	g. h.	Good Housekeeping Materials Compatibility	j. k. l.	Erosion & sediment control Management of runoff

- 6. The BMP plan shall be modified whenever changes at the facility materially increase the potential for significant releases of toxic or hazardous pollutants or where actual releases indicate the plan is inadequate.
- A "hot spot" is a segment of an industrial facility; including but not limited to soil, equipment, material storage areas, sewer lines etc.; which contributes elevated levels of problem pollutants to the wastewater and/or storm water collection system of that facility. For the purposes of this definition, problem pollutants are substances for which end of pipe treatment to meet a water quality or technology requirement may, considering the results of wastestream segment sampling, be deemed unreasonable. For the purposes of this definition, an elevated level is a concentration or mass loading of the pollutant in question which is sufficiently higher than the end of pipe concentration of that same pollutant so as to allow for an economically justifiable removal and/or isolation of the segment and/or B.A.T. treatment of wastewaters emanating from the segment.

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#### **DISCHARGE NOTIFICATION REQUIREMENTS**

a) Within ninety days after the effective date of this permit modification, the permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit. The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in a manner that poses minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

The signs shall have minimum dimensions of eighteen inches by twenty four inches (18"  $\times$  24") and shall have white letters on a green background and contain the following information:

N.Y.S. PERMITTED DISCHARGE POINT
SPDES PERMIT No.: NY
OUTFALL No. :
For information about this permitted discharge contact:
Permittee Name:
Permittee Contact:
Permittee Phone: ( ) - ### - ####
OR:
NYSDEC Division of Water Regional Office Address :
NYSDEC Division of Water Regional Office Phone: ( ) - ### -###

- b) If, upon the effective date of this modification, the permittee has installed signs that include the information required by § 17-0815-a(2)(a), but do not meet the specifications listed above, the permittee may continue to use the existing signs for a period of up to five years, after which the signs shall comply with the specifications listed above.
- c) The permittee shall periodically inspect the outfall identification signs in order to insure that they are maintained, are still visible and contain information that is current and factually correct.
- d) Within ninety days after the effective date of this permit modification, the permittee shall provide for public review at a repository accessible to the public, copies of the Discharge Monitoring Reports (DMRs) as required by the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of this permit. This repository shall be open to the public at a minimum of normal daytime business hours. The repository may be at the business office repository of the permittee or at an off-premises location of its choice (such location shall be the village, town, city or county clerk's office, the local library or other location as approved by the Department). In accordance with the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of your permit, each DMR shall be maintained on record for a period of three years.

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#### RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- a) The permittee shall also refer to the General Conditions (Part II) of this permit for additional information concerning monitoring and reporting requirements and conditions.
- b) The monitoring information required by this permit shall be summarized, signed and retained for a period of three years from the date of the sampling for subsequent inspection by the Department or its designated agent. Also;
  - [X] (if box is checked) monitoring information required by this permit shall be summarized and reported by submitting completed and signed Discharge Monitoring Report (DMR) forms for each \_\_\_\_\_ month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.

Send the original (top sheet) of each DMR page to:

Department of Environmental Conservation Division of Water Bureau of Watershed Compliance Programs 50 Wolf Road Albany, New York 12233-3506

Phone: (518) 457-3790

Send the first copy (second sheet) of each DMR page to:

Department of Environmental Conservation Regional Water Engineer Region 2 One Hunters Point Plaza 47-40 21st. Street Long Island City, NY 11101-5407

- c) A monthly "Wastewater Facility Operation Report..." (form 92-15-7) shall be submitted (if box is checked) to the [ ] Regional Water Engineer and/or [ ] County Health Department or Environmental Control Agency listed above.
- d) **Noncompliance** with the provisions of this permit shall be reported to the Department as prescribed in the attached General Conditions (Part II).
- e) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- f) If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculations and recording on the Discharge Monitoring Reports.
- g) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- h) Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- i) Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health Issues certificates of approval pursuant to section five hundred two of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be sent to the Environmental Laboratory Accreditation Program, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences, The Nelson A. Rockefeller State Plaza, Albany, New York 12201.

## New York State Department of Environmental Conservation

# NOTICE

The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Regional Permit Administrator

Permit Number 2-6101-00093 00001

Expiration Date 1 November 2003

COMPLIANCE SERVICES
HUNTERS POINT PLAZA
47-40 21st STREET
LONG ISLAND CITY, N.Y. 11101

NOTE: This notice is NOT a permit